

REMARKS

Favorable reconsideration is respectfully requested.

The claims are 1 to 11.

In connection with the above amendment to the specification, the deletion of the letters "R" is to eliminate duplication with the preceding term "registered trademark". The letters "R" were actually a mistake in notation for ® which means registered trademark.

The above amendment to the claims is responsive to points set forth in the Official Action.

In Official Action paragraph 2, claims 2 and 3 have been rejected as indefinite in that it is not clear whether "the pigment" refers to the "colored bright pigment" or the pigment in the silica-based coating film. In reply, this issue has been dissolved by the above amendment.

Rejection under 35 U.S.C. §102(b)

Claims 1, 2, 4, 5, 7, 8 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Marshall et al. (U.S. 3,440,075).

This rejection is respectfully traversed.

Marshall discloses colored flake pigment consisting essentially of a flake substrate of glass coated with a layer of silver in particulate form over which a layer of a suitable translucent amorphous silica is superimposed (lines 13-18 of the column entitled "BACKGROUND OF THE INVENTION"). However, Marshall does not teach that a pigment is dispersed in the silica layer. In contrast, the colored pigment of above-amended claim 1 has a silica-based coating layer containing a pigment in a dispersed state.

Therefore, claim 1 as well as claims 2, 4, 5, 7, 8 and 10 dependent thereon are novel over Marshall.

Claim rejection under 35 U.S.C. §103(a)

Claims 6, 8, 10 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Marshall (U.S. 3,440,075) in view of Bernhardt (U.S. 6,508,876).

The rejection states that Bernhardt discloses titanium dioxide or zirconium oxide may be used to coat the substrate.

This rejection is also respectfully traversed.

Marshall does not teach or suggest a colored-pigment whose silica layer contains a dispersed pigment. Bernhardt does not overcome this deficiency. Therefore, it is not obvious to arrive at claim 6 by combining Marshall with Bernhardt.

Similarly with regard to claims 8, 10 and 11, since the colored pigment which has a silica-based coating layer containing a pigment in a dispersed state is essential in claims 8, 10 and 11, it is not obvious to arrive at claims 8, 10 and 11 by combining Marshall with Bernhardt.

In sum, claims 6, 8, 10 and 11 are not obvious from Marshall in view of Bernhardt.

Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Marshall in view of Bernhardt and Schoen (U.S. 6,884,289). The rejection states that Schoen discloses a particle size which overlaps with that of claim 3.

This rejection is respectfully traversed.

Since the colored pigment which has a silica-based coating layer containing a pigment in a dispersed state is essential in claim 3 and since this feature is not taught by the cited references, it is not obvious to arrive at claim 3 by combining Marshall with Bernhardt and Schoen. Therefore, claim 3 is not obvious from Marshall, Bernhardt and Schoen.

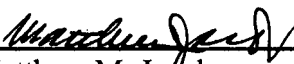
Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Marshall in view of Bernhardt and Fukuchi (U.S. 2005/0107512). Since the colored pigment which has a silica-based coating layer containing a pigment in a dispersed state is essential for claim 9 and is not taught by any of the cited references, it is not obvious to arrive at claim 9 by combining Marshall with Bernhardt and Fukuchi. Therefore, claim 9 is not obvious from Marshall, Bernhardt and Fukuchi.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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